

**AMENDMENTS TO THE CLAIMS**

**Please cancel claims 56-58 and 94.**

Please amend claims 55, 62, 64-66, 68-69, 71-81, 83-85, 87-89, 93 and 95-97,  
and add new claim 100, as follows:

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55. (currently amended) A DNA construct comprising the promoter of the *B. vulgaris* plant V-ATPase subunit c in isoform 2 (SEQ ID NO:1) ~~or its functional equivalent~~,  
operatively linked with a heterologous gene.

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62. (currently amended) A polynucleotide comprising the sequence of the promoter of  
*B. vulgaris* V-ATPase subunit c isoform 2 set forth in SEQ ID NO: 1 ~~or the~~  
~~functional equivalent of this promoter.~~

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64. (currently amended) The recombinant vector as claimed in claim ~~63~~ 64, which is a  
shuttle vector.

65. (currently amended) The recombinant vector as claimed in claim ~~63~~ 64, which is an  
expression vector.

66. (currently amended) A microorganism which is transformed with the recombinant  
vector as claimed in claim ~~63~~ 64.

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68. (currently amended) The transgenic plant cell or transgenic protoplast as claimed in  
claim ~~67~~ 68 obtained from a monocotyledonous plant.

69. (currently amended) The transgenic plant cell or transgenic protoplast as claimed in  
claim ~~67~~ 68 obtained from a dicotyledonous plant.

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71. (currently amended) The transgenic plant as claimed in claim ~~70~~ 71, which is a

monocotyledonous plant.

72. (currently amended) The transgenic plant as claimed in claim 70 ~~74~~, which is a dicotyledonous plant.
73. (currently amended) The transgenic plant as claimed in claim 70 ~~74~~, which is sugar beet, tobacco, barley, rice, potato, sunflower, soya, tomato, *Canola*, wheat, oilseed rape, sorghum, carrot, maize, *Mesemranthemum crystallinum* or *Arabidopsis thalinana*.
74. (currently amended) A method for the expression of a heterologous gene, in a plant cell or a protoplast, which comprises transforming the cell or the protoplast with the DNA construct as claimed in claim 55 and subsequently exposing the transformed cell or the protoplast to a stress that controls the expression of the heterologous gene; which has been introduced ~~transformed~~ by means of the DNA construct.
75. (currently amended) The method as claimed in claim 74 ~~75~~, wherein the plant cell or the protoplast is obtained from a monocotyledonous plant.
76. (currently amended) The method as claimed in claim 74 ~~75~~, wherein the plant cell or the protoplast is obtained from a dicotyledonous plant.
77. (currently amended) The method as claimed in claim 74 ~~75~~, wherein the plant cell or the protoplast is obtained from sugar beet, tobacco, barley, rice, potatoes, sunflowers, soya, tomatoes, *Canola*, wheat, oilseed rape, sorghum, carrots, maize, *Mesembranthemum crystallinum* or *Arabidopsis thalinana*.

78. (currently amended) A method for the expression of a heterologous gene in a plant, which comprises regenerating cells or protoplasts transformed with the DNA construct as claimed in claim 55 to produce a transgenic plant and subsequently exposing the plant transformed in this way to a stress that controls the expression of the heterologous gene which has been introduced ~~transformed~~ by means of the DNA construct.
79. (currently amended) The method as claimed in claim 78 ~~79~~, wherein the transgenic plant is a monocotyledonous plant.
80. (currently amended) The method as claimed in claim 78 ~~79~~, wherein the transgenic plant is a dicotyledonous plant.
81. (currently amended) The method as claimed in claim 78 ~~79~~, wherein the transgenic plant is sugar beet, tobacco, barley, rice, potatoes, sunflowers, soya, tomatoes, *Canola*, wheat, oilseed rape, sorghum, carrots, maize, *Mesembranthemum crystallinum* or *Arabidopsis thaliana*.
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83. (currently amended) The method as claimed in claim 82 ~~83~~, wherein the plant cell or the protoplast is obtained from a monocotyledonous plant.
84. (currently amended) The method as claimed in claim 82 ~~83~~, wherein the plant cell or the protoplast is obtained from dicotyledonous plant.
85. (currently amended) The method as claimed in claim 82 ~~83~~, wherein the plant cell or the protoplast is obtained from sugar beet, tobacco, barley, rice, potatoes, sunflowers, soya, tomatoes, *Canola*, wheat, oilseed rape, sorghum, carrots,

maize, *Mesembranthemum crystallinum* or *Arabidopsis thaliana*.

87. (currently amended) The method as claimed in ~~in~~ claim 86 87, wherein the transgenic plant is a monocotyledonous plant.

88. (currently amended) The method as claimed in claim 86 87, wherein the transgenic plant is a dicotyledonous plant.

89. (currently amended) The method as claimed in claim 86 87, wherein the transgenic plant is obtained from sugar beet, tobacco, barley, rice, potatoes, sunflowers, soya, tomatoes, *Canola*, wheat, oilseed rape, sorghum, carrots, maize, *Mesembranthemum crystallinum* or *Arabidopsis thaliana*.

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93. (currently amended) A method of expressing a gene in a plant under stress comprising the step of transforming said plant with the *B. vulgaris* V-ATPase promoter subunit c isoform 2 set forth in SEQ ID NO:1 ~~a plant V-ATPase promoter~~.

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95. (currently amended) The method as claimed in claim 93 94, wherein at least one further pyrimidine stretch is inserted into the promoter.

96. (currently amended) A plant cell or protoplast, which plant cell or protoplast is transformed with the DNA construct as claimed in claim 55 and ~~which~~ is resistant to stress, as a result of the expression of the DNA construct.

97. (currently amended) ~~A~~ The plant cell or protoplast, which plant cell or protoplast is transformed with the DNA construct as claimed in claim 55 and ~~which~~ is resistant to salt stress, as a result of the expression of the DNA construct.

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100. (new) A DNA construct comprising a functional equivalent of the *B. vulgaris* V-ATPase subunit c promoter in isoform 2 (SEQ ID NO:1), operatively linked with a heterologous gene.

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